

## Message Text

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ACTION EA-14

INFO OCT-01 ISO-00 NSF-04 CPR-02 L-03 DODE-00 SNM-02

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R 020230Z NOV 73

FM AMEMBASSY WELLINGTON

TO SECSTATE WASHDC 7287

INFO NSF WASHDC

NSF CHRISTCHURCH NZ

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EO 11652: N/A

TAGS: CGEN, MARR, TGEN, NZ, SNAR

SUBJ: STATUS OF DEEPFREEZE CIVILIAN PERSONNEL

1. EMBASSY WOULD LIKE TO BRING TO DEPARTMENT'S ATTENTION FACT THAT US CIVILIANS EMPLOYED BY NSF OR COOPERATING CIVILIAN ORGANIZATIONS AT BEST ENJOY ONLY LIMITED IMMUNITIES UNDER US-GNZ AGREEMENT COVERING OPERATIONS IN ANTARCTICA (TIAS 4151). IN OUR VIEW PARA. 8 OF MEMORANDUM OF UNDERSTANDING (MOU) LIMITS COVERAGE TO US MILITARY PERSONNEL AND EMPLOYEES OF US MILITARY. INFORMAL OPINION GIVEN BY MFA LEGAL DIVISION CONFIRMS THIS. MFA DOES NOT CONSIDER NSF PERSONNEL, NSF CONTRACTORS OR NSF SPONSORED UNIVERSITY RESEARCHERS TO BE "UNITED STATES PERSONNEL" AS DEFINED IN PARA.8.

2. AREA OF MOST SERIOUS CONCERN IS PARA. 4(A) OF MOU. WHILE GNZ LIKELY ADOPT BENEVOLENT ATTITUDE WITH REGARD MINOR INFRACTIONS OF LAW, MFA INDICATES THAT MORE SERIOUS INFRACTIONS COULD NOT BE ALLOWED TO GO UNPUNISHED AND WOULD BE SUBJECT TO NZ COURT ACTION. THERE WOULD BE NO POSSIBILITY OFFENDER BEING TURNED OVER TO US JURISDICTION. DEGREE OF ASSISTANCE EMBASSY WOULD PROVIDE DEEPFREEZE CIVILIAN

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ARRESTED BY GNZ WOULD THUS BE EXTREEMELY LIMITED.

OF PARTICULAR CONCERN TO EMBASSY IS POSSIBILITY THAT GNZ WILL ARREST CIVILIAN BRINGING DRUGS INTO COUNTRY. IMPORTATION OF DRUGS, INCLUDING MARIJUANA, SUBJECT TO SENTENCE UP TO 14 YEARS. DESPITE NUMEROUS WARNINGS TO INCOMING PERSONNEL THERE WERE TWO CASES IN OCTOBER (ONE NAVY, ONE CIVILIAN) OF INDIVIDUALS APPREHENDED BY CUSTOMS FOR DRUG LAW INFRACTIONS. CIVILIAN WAS IN POSSESSION OF PIPE CONTAINING TRACES OF CANNIBIS. FOLLOWING DISCUSSIONS WITH US AUTHORITIES GNZ AGREED TAKE NO ACTION IF INDIVIDUAL RETURNED TO US ON FIRST AVAILABLE FLIGHT. NAVY EM ARRESTED BY CUSTOMS FOLLOWING DISCOVERY 5.5 GRAMS CANNIBIS IN HIS BAGGAGE. GNZ ACCEPTED US MILITARY JURISDICTION ONLY AFTER EMBASSY INTERVENTION AT MINISTERIAL LEVEL. IN LIGHT OF THESE CASES, AND GIVEN MFA INTERPRETATION MOU, WE BELIEVE DEEPFREEZE CIVILIANS FOUND CARRYING DRUGS WHILE TRANSITING NZ FACE STRONG POSSIBILITY OF IMPRISONMENT AND SUBSEQUENT DEPORTATION.

3. REQUEST DEPARTMENT INSURE THE NSF BRIEFINGS TO ANTARCTIC-BOUND PERSONNEL CONTINUE STRESS IN STRONGEST TERMS SENSITIVITY OF GNZ TO DRUGS. IT SHOULD BE EMPHASIZED THAT PLANES AND PASSENGERS ARE, MORE OFTEN THAN NOT, METHODICALLY SEARCHED BY EXTREMELY THOROUGH NZ CUSTOMS OFFICIALS AND USG ABILITY PROVIDE ASSISTANCE TO ARRESTED CIVILIANS VERY LIMITED.

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**Subject:** STATUS OF DEEPFREEZE CIVILIAN PERSONNEL  
**TAGS:** CGEN, MARR, TGEN, SNAR, NZ  
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